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EXAMINER

HOTALING, JOHN M

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 30

Application Number: 09/456,833
Filing Date: December 07, 1999
Appellant(s): SAKAMOTO ET AL.

Ronald R. Snider
Reg. No. 24,692
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/14/03.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims *** do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

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6,227,970	SHIMIZU et al	05-2001
EP 0875870	Okada et al	04-1998
GB 2,262,642	CLAYPOLE et al	06-1993

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-11, 14, 29, 31, and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Slomiany** et al US Patent 6,159,098 in view of **Shimizu** et al US Patent 6,227,970 and **Claypole** et al UK Patent Application GB 2,262,642 and **Okada** et al EP 0 875 870. This rejection is set forth in prior Office Action, Paper No. 27 and has been reproduced as follows for the convenience of the board. The rejections contained in the prior office actions are maintained and incorporated herein. Slomiany discloses all of the instant application with the exception of displaying the details of the game in the display section of the special game, the game history, game directions, an indication of errors, and "wherein the special game information which is information related to a special game is displayed by figures representing objects and written information presented as a progressing story". The use of start and stop buttons for reels in a slot machine is notoriously well known in the art and the Examiner takes official notice that one of ordinary skill in the art would know that a outcome of a slot machine which results in a special event or high payout could be made at random by the slot machine or stopped by the player selecting a stop button for each reel. Slomiany discloses a slot machine with a second display for displaying a bonus game that may be any type of game that is entered upon the occurrence of a selected event

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or outcome of the basic game (column 1 lines 32-35). Column 3 lines 23-37 discloses a start switch or lever and using technology well known in the art causes the reel to stop in a selected stop position. Column 3 line 49-51 discloses that the payoff amount of certain combinations is predetermined according to a paytable which is stored in memory. Column 12 lines 41-53 discloses that the bonus game may be played alone or with a basic game other than a slot machine. In an analogous machine, Shimizu discloses the use of a slot machine in which a sub-display device displays histories of past games and other information is provided. Column 2 lines 52-61 discloses the use of the push button or the touch screen. Column 4 line 51-67 discloses that many differing functions can be assigned to the buttons. Column 5 lines 37-53 discloses displaying in the main display device game history. Column 6 lines 1-4 disclose placing a max bet. Column 6 line 47 – column 7 line 13 and figure 6 discloses that a main menu image is displayed in the sub display device which may include game specification, time and money alarm, and game record and history. In addition, since these functions are not directly relevant to the progress of the game displayed in the main display device operation of these buttons do not effect the progress of the game. It is not disclosed but it is obvious to one of ordinary skill in the art that a multitude of information could be contained under the heading of "Game Specification" including instructions for playing the game. Providing instructions for a user of a game is not uncommon. Column 9 line 37 – column 10 line 11 disclose feature play history, diagnosis, detection, position, details, and a way of fixing the error can be displayed. Column 10 lines 10-30 disclose that a part or the whole of the sub display may be used for advancing the game. In an

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analogous gaming machine to Claypole a reel type slot machine with a additional cathode ray tube display where the screen is used to provide novel features such as a skill game, a video game, an array of identifiable fields, playing card faces etc. Page 6 discloses that the game machine has a special status mode which it may enter either randomly, quasi-randomly and/or in response to certain selected outcomes of the fruit machine game. Pages 7 and 8 disclose that it is another aspect of the further display screen to give information about the game. This might be general advice as to the operation of the machine, game hints, making suggestions to the player relevant to the actual state of the fruit machine. The machine may display on the screen the value of the awards (winnings or credits) accumulated by a player automatically or upon request. The machine may make use of touch screen technology. Page 9 discloses that the screen may be used to display the value of a progressive jackpot or information indicating the operational condition of the machine. In an analogous invention to Okada discloses in columns 3-5 that a secondary display uses various kinds of characters and figures, animations, light flashing on an off, and the like which is a prognostic display that causes the player to anticipate a particular combination on the variable display when the variable display stops. Column 5 discloses "the secondary display displays a plurality of images in a predetermined sequence to provide a progressive story when the variable display indicates it will reach a winning condition if the variable display would display a specific remaining symbol. " As can be seen from figures 6 through figure 27 the secondary display and the applicable parts of the disclosure of Okada clearly shows special game information which is information related to a special game is

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displayed by figures representing objects and written information presented as a progressing story. Column 22 advantageously describes what is well known in the art with respect to stop buttons. With respect to the claim limitations relative to a progressive adventure story please see the progressive story above and Okada column 14 where a cowboy fights with an unruly horse could be construed as an adventure. The reference used in the rejection are equivalent in that they all are related to gaming machines. One of ordinary skill in the art would be motivated to combine the above well known features described in the references using the following motivation of the references: In Slomiany, the bonus game may be played with any basic game and all that is required is that the bonus game is triggered upon the occurrence of a special event or outcome in the basic game (column 12), Shimizu discloses that the operation portion of the game machine is provided with four push button switches that are operated with particular high frequency during the game and that the functions assigned to these switches can be properly changed. The combination of the above references clearly teaches to one of ordinary skill in the art that a player using stop reel buttons and results in a special hit which results in a bonus game and advantageously contains a additional display with game specific information. In addition, one would be motivated to combine these references in order to provide improved communication and information to the user of a game machine as disclosed above and since the references disclose that the information can be displayed in multiple places such as the main display, auxiliary display or both or a combination of displays. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a

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game machine with a basic game and a bonus game with a screen that is used to display the following; information relevant to the playing of the gaming machine including historical information, game information, error indication, and special game information which is information related to a special game is displayed by figures representing objects and written information presented as a progressing story. Additionally it would be apparent to one of ordinary skill in the art that the use of stop buttons to play a main game that are well known can be used for other game functions as taught above.

(11) Response to Argument

The appellant's argues that the examiner's final rejection simply lumps together all of appellant's claims and merely selects the elements available to teach one how to select different permutations and combinations of known elements to achieve different combinations which are dew to the art. In addition, the appellant argues on page 5 line 24 that the "Applicant's claims must be read as a whole." The examiner contends that the rejection of the claims are not merely "lumped together" to pull different known elements to achieve different combinations, alternatively the references are used to teach each and every one of the claim elements. While the Appellant considers the most important claim element to be that of a progressing story the order of the references cited is in line with the order of the claim elements and each reference builds on the prior reference using motivation provided within the reference or known to one of ordinary skill in the art and using the factual inquiries set forth in *Graham v. John Deere*

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Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

The appellant's argues that the examiner does not address the issue of how one would get to the Appellant's claimed combination by following the prior art teachings and Appellant's state that for this reason alone, the applicant maintains that all of the pending claims are allowable. The final rejection states that the combination of the above references clearly teaches to one of ordinary skill in the art that a player using stop reel buttons and results in a special hit which results in a bonus game and advantageously contains a additional display with game specific information. In addition, one would be motivated to combine these references in order to provide improved communication and information to the user of a game machine as disclosed above and since the references disclose that the information can be displayed in multiple places such as the main display, auxiliary display or both or a combination of displays. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a game machine with a basic game and a bonus game with a screen that is used to display the following; information relevant to the playing of the gaming machine including historical information, game information, error indication, and special game information which is information related to a special game is

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displayed by figures representing objects and written information presented as a progressing story.

Claim 1

With respect to the applicants arguments that claim 1 has specific limitations not found in the prior art of record such as “a first mode and a second mode allowed from the first mode;” and “a progressing story begins for said first mode and, when second mode is allowed, a new progressing story being **which is related to said first mode begins, said new progressing story being** distinguishable by said player from said progressive story in said first mode”. The bold print is claim limitations not mentioned in the arguments. In response to this the rejection clearly states that Okada discloses in columns 3-5 that a secondary display uses various kinds of characters and figures, animations, light flashing on an off, and the like which is a prognostic display that causes the player to anticipate a particular combination on the variable display when the variable display stops. Column 5 discloses “the secondary display displays a plurality of images in a predetermined sequence to provide a progressive story when the variable display indicates it will reach a winning condition if the variable display would display a specific remaining symbol. “ As can be seen from figures 6 through figure 27 the secondary display and the applicable parts of the disclosure of Okada clearly shows special game information which is information related to a special game is displayed by figures representing objects and written information presented as a progressing story. With respect to the claim limitations relative to a progressive adventure story please see the progressive story above and Okada column 14 where a cowboy fights with an unruly

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horse could be construed as an adventure. The different pictures with different aspects of the cowboy on the horse are different parts of a story related to one another. A detailed reading of the Okada reference would also teach that the image control includes a game display that is necessary for performing individual or separate games and that the images presented by the secondary display varies with the progress of variation of the variable display. Okada additionally discloses in columns 18-20 that the images can be used for other games including bonus games and in column 14 that the images are related. With respect to the Appellant's arguments relative to the combination of references please see the examiners explanation above.

Claim 2

With respect to a stop switch the examiner pointed out that Okada discloses stop switches that correspond to the reels, and has incorporated therein stop positions which determine winning conditions. The use of stop switches and their functions are disclosed in Okada and Notoriously well known in the art and the examiner has presented both rejections previously and the lack of response from the applicant relative to these rejections was taken by the examiner to mean that the appellant understood that these types of devices are well known. Further, the appellant's argument seems to state that the examiner shows the use of a stop switch and the corresponding award if stopped in a certain state.

Claim 3

With respect to the claim limitation that the "special game information concern a state of progress of the special game", Okada discloses the use of a bonus game and

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column 21 discloses the displaying of special game information.” The Appellant argues that the examiner did not explain how a state of progress is found in the art. The examiner contends that he stated that “the combination of the above references clearly teaches to one of ordinary skill in the art that a player using stop reel buttons and results in a special hit which results in a bonus game and advantageously contains a additional display with game specific information.”

Claims 4 and 5

With respect to the claim limitations of claim 4 and 5 the examiner states that Shimizu discloses on Column 5 lines 37-53 discloses displaying in the main display device game history. This includes the value display portion P1. While Shimizu does not disclose that this is for a bonus game the rejection is based on the combination of references not just Shimizu and the claim limitations are analogous to a bonus prize meter. Okada additionally disclose the display of historical gaming information. Slomiany also discloses what is well known for a credit meter associated with a bonus game which could be used as a bonus prize meter or an indication of device game history for that game.

Claim 6

With respect to the display of information while in a special gaming mode Slomiany and Okada disclose a bonus mode, Shimizu and Okada disclose presenting historical information and please see above with respect to claims 4 and 5 where it is shown that the display of information while in a special gaming mode is taught by the references.

Claim 7

With respect to the applicant's arguments with respect to the starting device using an input of determined bet information and max bet please see Shimizu column 6 line 47 – column 7 line 13 and figure 6 discloses that a main menu image is displayed in the sub display device which may include game specification, time and money alarm, and game record and history. The rejection is made to the combination of references and therefore if it can be used for the main game it can be used for the bonus game as taught and disclosed by the references.

Claim 8

With respect to the claim limitation that the information displayed be that the special game is over the examiner would state that the rejection is based on a combination of the references. A cursory review of the reference to Slomiany would disclose to one of ordinary skill in the art that an indication of when the bonus game is over is when the selection element hits a bomb.

Claim 9

With respect to the separate indicating section for special game information please see Slomiany and Okada who disclose a bonus mode, Shimizu, Okada, and Slomiany disclose presenting historical information and please see above with respect to claims 4 and 5 where it is shown that the display of information while in a special gaming mode is taught by the references.

Claim 10

With respect to the limitation of claim 10 that requires information to be displayed while the game is in a normal game please see Okada where it is disclosed that the predictive information is displayed during the normal game. The rejection is made based on a combination of the references.

Claims 11, 29, and 31

With respect to the argument that the references do not teach that the special game information be set forth in a moving fashion it is disclosed in Okada 3:3-6 that the information may be an animation, which is a moving format.

Claim 14

With respect to the appellant's arguments to dependent claim 14 that this claim lacks a claim element that is in dependent claim 1 does little to prove patentability of dependent claim 14. The entry into a game base on the outcomes of the primary game or the previous game is taught by the above references and known in the art. The lack of this limitation does not impede the examiner's assertion that the prior art of record anticipates all of the claim limitations and provides adequate motivation to improved communication and information and use of a plurality of screens.

Claim 35

With respect to the applicant's argument that the examiner is in error with respect to his rejection of the claims based on Slomiany is not clear. The examiner stated in the arguments section of the final office action please see the rejection above with respect to Slomiany. Slomiany contain a credit meter that simultaneously shows

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individual outcomes of past plays. Additionally, the other references used in the rejection contain a historical display of past plays such as a pie chart or graph.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

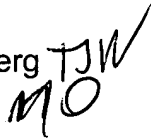
A handwritten signature in black ink, appearing to be 'J. Hotaling II', written over the typed name.

John M Hotaling II
Primary Examiner
February 9, 2004

Conferees

Teresa Walberg

Mike O'Neill

Handwritten initials 'TJW' and 'MO' in black ink, positioned to the right of the names Teresa Walberg and Mike O'Neill respectively.

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